

From: Travis Butler
To: Microsoft ATR
Date: 1/22/02 12:20pm
Subject: Microsoft Settlement

I am extremely disappointed with the proposed settlement with Microsoft Corporation. Among the reasons why I think this settlement is a bad idea:

1. It appears to contain no significant punitive action for acts that Microsoft has already committed. For all practical purposes, Microsoft has succeeded in the attempt to dominate the web browser market that was the subject of the original complaint; Netscape's browser product has been marginalized in the software market, and Netscape itself was forced to sell out to America Online -- at which point it has virtually disappeared as a moving force in the software arena. This is, in my opinion, exactly the sort of anti-competitive act the antitrust laws were intended to prevent.

While I admit this is essentially a fait accompli at this point, and that very little if anything can be done to reverse this result, I believe Microsoft should receive a severe punitive judgement for its actions in this case -- both from the standpoint of abstract justice, so that it should not 'get off scot-free' for its successful monopolistic practices, and as an incentive to behave better in the future.

I believe the latter point is especially important, as:

2. Microsoft has shown little sign of changing its behavior, even in the face of the ongoing antitrust case, as evidenced by the release of Windows XP. Windows XP contains multiple examples of the exact same behavior that led to the original complaint, taking various functions that were once provided by third-party software and incorporating them into Windows XP. While I am somewhat ambivalent about this point -- as the included functionality *does* provide a benefit for the consumer -- I believe this could have been accomplished in a more competitive fashion, such as licensing one or more of those third-party software products and including them with Windows XP, instead of putting them out of business by creating their own versions.

3. I have very little faith in the enforcement provisions of the agreement. The 1995 antitrust suit that formed the roots of the current case included similar enforcement provisions, and proved to be singularly useless in preventing Microsoft's anti-competitive behavior.

Thank you for your time.

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...Cats are the proof of a higher purpose to the universe.